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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SOHN, SEUNG C

ART UNIT PAPER NUMBER

2878

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/845,852

Applicant(s)

GANN, ROBERT G.

Examiner

Seung C. Sohn

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 18 April 2003 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The proposed drawing correction (Fig. 1) and/or the proposed substitute sheets of drawings, filed on April 18, 2003 have been ***disapproved*** because a mere block diagram (processor) does not show the feature of invention specified in the claims 1-5 and 10-14. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance. Also, the same proposed drawing correction filed on April 18, 2003 has been ***disapproved*** because it is not in the form of a pen-and-ink sketch showing changes in red ink or with the changes otherwise highlighted. See MPEP § 608.02(v).

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "a line" or "lines" must be shown or the feature(s) canceled from the claims 1 and 10. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. ***Claims 1-5 and 10-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Rombola (Patent No. US 6,518,587).***

**Referring to claim 1**, Rombola discloses the following steps of Applicant's claim:

a) determining whether at least one line is present in image data for a particular color channel (Col. 4, lines 36-44); and

b) determining whether a calibration gain for a photosensor corresponding to the line is normal (Col. 4, lines 55-59).

**Referring to claim 2**, Rombola discloses the following steps of Applicant's claim:

a) determining that a gain associated with a particular photosensor, in a particular line-array of photosensors, in a photosensor assembly, exceeds a predetermined gain threshold, the gain having been calibrated using the calibration target (Col. 4, lines 48-52);

b) determining that an image intensity measurement for the particular photosensor exceeds a predetermined intensity threshold (Col. 3, lines 46-49);  
and

c) determining that an image intensity measurement for each photosensor, physically corresponding to the particular photosensor, in all line-arrays in the photosensor assembly other than the particular line-array of photosensors, does not exceed the predetermined intensity threshold (Col. 3, lines 50-54).

**Referring to claim 3**, Rombola discloses the following steps of Applicant's claim:

a) determining that intensity data, from a particular photosensor, in a particular line-array of photosensors, in a photosensor assembly, is less than a predetermined intensity threshold (Col. 3, lines 46-49); and

b) determining that intensity data, for each photosensor, physically corresponding to the particular photosensor, in all line-arrays in the photosensor assembly other than the particular line-array of photosensors, is not less than the predetermined intensity threshold (Col. 4, lines 48-52).

**Referring to claim 4**, Rombola discloses the step of determining that the defect was present during calibration, by determining that a gain for the particular photosensor, determined during calibration, exceeds a predetermined gain threshold (Col. 4, lines 45-52).

**Referring to claim 5**, Rombola discloses the step of determining that the defect was not present during calibration, by determining that a gain for the particular

photosensor, determined during calibration, does not exceed a predetermined gain threshold. (Col. 4, lines 45-52).

**Referring to claim 10**, Rombola discloses the following elements of Applicant's claim:

- a) a first line-array of photosensors;
- b) a second line-array of photosensors; and
- c) a processor determining that a defect exists when lines are present in image data from only one of the first and second line-arrays of photosensors and when calibration gains, associated with photosensors corresponding to the lines, are normal. (Col. 4, lines 55-59).

**Referring to claim 11**, Rombola discloses the following elements of Applicant's claim:

- a) a calibration target (reference strips);
- b) a photosensor assembly comprising a plurality of line-arrays of photosensors;
- c) a particular photosensor, in a particular line-array of photosensors, in the photosensor assembly, having an associated gain that exceeds a predetermined gain threshold, the gain having been calibrated using the calibration target (Col. 4, lines 45-54);
- d) the particular photosensor having an associated image intensity measurement that exceeds a predetermined intensity threshold (Col. 4, lines 46-49); and

e) the processor determining that a defect exists when an image intensity measurement for each photosensor physically corresponding to the particular photosensor, in all line-arrays in the photosensor assembly other than the particular line-array of photosensors, does not exceed the predetermined intensity threshold (Col. 4, lines 50-54).

**Referring to claim 12**, Rombola discloses the following elements of Applicant's claim:

a) a photosensor assembly comprising a plurality of line-arrays of photosensors;

b) a processor;

c) a particular photosensor, in a particular line-array of photosensors, in a photosensor assembly, having an associated image intensity measurement that is less than a predetermined intensity threshold (Col. 3, lines 50-54); and

d) the processor determining that a defect exists when an intensity output, for each photosensor physically corresponding to the particular photosensor, in all line-arrays in the photosensor assembly other than the particular line-array of photosensors, is not less than the predetermined intensity threshold (Col. 4, lines 45-54).

**Referring to claim 13**, Rombola discloses the processor determining that the defect was present during calibration, by determining that a gain associated with the particular photosensor, determined during calibration, exceeds a predetermined gain threshold (Col. 4, lines 45-54).

**Referring to claim 14**, Rombola discloses the processor determining that the defect was not present during calibration, by determining that a gain associated with the particular photosensor, determined during calibration, does not exceed a predetermined gain threshold (Col. 4, lines 45-54).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seung C. Sohn whose telephone number is (703) 308-4093. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (703) 308-4852. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

SCS

SCS  
July 13, 2003



KEVIN PYO  
PRIMARY EXAMINER